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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/618,855	07/14/2003	Kevin J. Harrington	32157-101 US	3326
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BURNS & LEVINSON, LLP 125 SUMMER STREET BOSTON, MA 02110			SAADAT, CAMERON	
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/618,855	<b>Applicant(s)</b> HARRINGTON, KEVIN J.
	<b>Examiner</b> CAMERON SAADAT	<b>Art Unit</b> 3714

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
  - If no period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
  - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 29 January 2008.
- 2a) This action is FINAL.      2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-20 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |  |
|--|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date: _____          |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application<br>Paper No(s)/Mail Date _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____   |

#### **DETAILED ACTION**

In response to amendment filed 1/29/2008, claims 1-20 are pending in this application.

##### ***Claim Objections***

Claims 17-18 are objected to because of the following informalities. It is unclear whether these claims are directed to a method or an apparatus. Appropriate correction is required. Applicant's remarks indicate that claim 18 has been amended. However, the claim appears to be original.

##### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

##### **Claims 1, 3, 5, 7, 9-11, and 13-20 are rejected under 35 U.S.C. 102(e) as being anticipated**

**Larsen (US 7,134,088).**

This holding, incorporated herein, is maintained from the prior action for the cited claims as amended. Response to the applicant's remarks are provided below and incorporated herein.

Regarding claim 1, Larsen discloses a method for preparing for and responding to a building incident comprising the steps of: collecting a plurality of components of characteristic information about a building and collecting relationship information about the building; interrelating the plurality of components of the characteristic information through the relationship information to create linked characteristic information; and providing linked characteristic information in a floor plan layout. See Col. 2, lines 58-67; Col. 6, lines 13-33; Col. 9, lines 58-67; Col. 12, lines 5-30. Larsen additionally discloses

the feature of allowing a user to review characteristic information and relationship information of the building in order to identify any modifications or corrections. See Col. 12, lines 45-46.

Regarding claim 3, Larsen discloses a method including the steps of determining contact information from the linked characteristic information; for contacting individuals during an incident. See Col. 15, lines 30-56.

Regarding claim 5, Larsen discloses a method further comprising the step of selecting an electronic format. See Col. 5.

Regarding claim 7, Larsen discloses a system for preparing for and responding to a building incident comprising: a collector capable of collecting characteristic information and relationship information about a building (See Col. 11, lines 5-67); interrelating the plurality of components of the characteristic information using a linkage controller the creates links using relationship information; an operations controller capable of providing the linked characteristic information in a predetermined format. See Col. 2, lines 58-67; Col. 6, lines 13-33; Col. 9, lines 58-67; Col. 12, lines 5-30. Larsen additionally discloses the feature of allowing a user to review characteristic information and relationship information of the building in order to identify any modifications or corrections. See Col. 12, lines 45-46.

Regarding claim 9, Larsen discloses a system wherein the characteristic information includes building characteristics, utilities list, photographs, and emergency response list. See Col. 15-16.

Regarding claim 10, Larsen discloses a linkage controller comprising an information collector capable of receiving characteristic information and relationship information; a relationship builder capable of establishing relationships among a plurality of components; the relationship builder capable of creating linked characteristic information from the characteristic information and the relationship information; and information modifier. See Col. 11- Col. 14.

Regarding claim 11, Larsen discloses a system wherein said operations controller comprises: an operator interface capable of receiving requests for characteristic information; a searcher capable of retrieving the requested characteristic information; an information formatter capable of preparing the retrieved requested characteristic information in a pre-determined format; and an information supplier capable of sending the characteristic information to a requester. See Figs. 1-24B.

Regarding claim 13, Larsen discloses a relationship database for storing characteristic information, relationship information and linked characteristic information. See Col. 3, lines 20-35.

Regarding claim 14, Larsen discloses a method for configuring a system for preparing for and managing an incident in a building comprising the steps of: verifying a floor plan for the building; photographing pre-determined locations parts of the building; collecting statistics related to the building; linking the photographs and the statistics to the floor plan; and providing the linked information in a pre-determined format. See Col. 2, lines 58-67; Col. 6, lines 13-33; Col. 9, lines 58-67; Col. 12, lines 5-30. Larsen additionally discloses the feature of allowing a user to review characteristic information and relationship information of the building in order to identify any modifications or corrections. See Col. 12, lines 45-46.

Regarding claim 15, Larsen discloses a method wherein the statistics include individuals related to the building. See Col. 15, lines 30-56.

Regarding claim 16, Larsen discloses a method further comprising the step of selecting the pre-determined format from a group consisting of electronic format and paper format. See Col. 5.

Regarding claim 17, Larsen discloses a method that is executed on node in a computer network. See Col. 3, lines 20-35.

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Regarding claim 18, Larsen discloses a computer readable medium having instructions embodied therein for executing the method. See Col. 3, lines 20-35.

Regarding claim 19, Larsen discloses a method including the steps of receiving a selection of a component and providing linked characteristic information that is interrelated to the selection and provides information related to a building incident. See Col. 10, lines 17-35.

Regarding claim 20, Larsen discloses a method including the steps of receiving a selection of a room in the building; and providing a photograph of the room in response to the selection. See Col. 7, line 65 – Col. 8, line 6.

#### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

**Claims 2, 6, and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Larsen (US 7,134,088) in view of Neiman et al. (US 6,604,126; hereinafter Neiman).**

This holding, incorporated herein, is maintained from the prior action for the cited claims as amended. Response to the applicant's remarks are provided below and incorporated herein.

Regarding claims 2 and 8, Larsen discloses all of the claimed subject matter with the exception of explicitly disclosing the claimed feature of validating users. However, Neiman teaches a method and system for displaying structural plans responsive to emergency tactical situations, wherein a user must log in with a password. See Figs. 13-15. Thus, in view of Neiman, it would have been obvious to one of ordinary skill in the art to modify the method described in Larson, by validating users of a computer system, in order to provide a predictable result of protecting sensitive information.

Regarding claim 6, Larsen discloses all of the claimed subject matter with the exception of explicitly disclosing the claimed feature of providing a handheld device. However, Neiman teaches a method and system for displaying structural plans responsive to emergency tactical situations, wherein users may access the system using remotely located handheld devices 310. See Col. 10, lines 4-7. In view of Neiman, it would have been obvious to one of ordinary skill in the art to modify the computer system described in Larsen, by providing a handheld device, in order to allow responding emergency personnel to remotely access critical building emergency information.

**Claims 4 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Larsen (US 7,134,088) in view of Pyle (US 4,446,454).**

This holding, incorporated herein, is maintained from the prior action for the cited claims as amended. Response to the applicant's remarks are provided below and incorporated herein.

Regarding claims 4 and 12, Larsen discloses all of the claimed subject matter with the exception of explicitly disclosing the feature of (as per claim 4) automatically contacting individuals through use of electronic contact information; (as per claim 12) a dispatcher. However, Pyle teaches an alerting system for emergencies, wherein an automatic telephone dialer 460 is activated to make a telephone call to a designated emergency number, such as a police or fire department dispatcher. See Pyle, Col. 5, lines 43-54. Thus, in view of Pyle, it would have been obvious to one of ordinary skill in the art to modify

Larsen's emergency contact list, by providing an automatic contacting device, in order to receive a prompt response to the emergency.

***Response to Arguments***

Applicant's arguments filed 1/29/2008 have been fully considered but they are not persuasive. Applicant emphasizes that Larson does not disclose or suggest the newly added limitation of receiving updates to existing information and interrelating or linking updated information. The examiner disagrees. Larson discloses the feature of allowing a user to link HTML pages for displaying and linking images and maps (See Col. 12, lines 5-30). Larsen additionally discloses the feature of allowing a user to review characteristic information and relationship information of the building in order to identify any modifications or corrections. See Col. 12, lines 45-46.

Applicant additionally purports that it would not be obvious to modify the device described in Larson in view of Neiman's teaching of a handheld device. In response to applicant's argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, Larsen discloses all of the claimed subject matter with the exception of explicitly disclosing the claimed feature of providing a handheld device. However, Neiman teaches a method and system for displaying structural plans responsive to emergency tactical situations, wherein users may access the system using remotely located handheld devices 310. See Col. 10, lines 4-7. In view of Neiman, it would have been obvious to one of ordinary skill in the art to modify the computer system

described in Larsen, by providing a handheld device, in order to allow responding emergency personnel to remotely access critical building emergency information utilizing a portable device, and therefore improving emergency personnel response. Applicant's position is that the introduction of Neiman's architecture would render Larsen unsuitable for its intended purpose. However, the test for obviousness is not whether the features of a secondary reference may be bodily incorporated into the structure of the primary reference; nor is it that the claimed invention must be expressly suggested in any one or all of the references. Rather, the test is what the combined teachings of the references would have suggested to those of ordinary skill in the art. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981). In this case, the portability advantages of a handheld device would have been obvious to one of ordinary skill in the art, with predictable results, such as improved response time.

With respect to dependent claims 4 and 12, applicant argues that Neither Larsen and Pyle make obvious applicant's claimed step of automatically contacting individuals through the user of electronic contact information automatically determined from the linked characteristic information. The examiner disagrees. Larson discloses a "Critical Information & Telephone #'s" in menu 111(See Fig. 16), wherein emergency contact personnel are linked to specific phone numbers. Larsen discloses all of the claimed subject matter with the exception of explicitly disclosing the feature of (as per claim 4) automatically contacting individuals through use of electronic contact information; (as per claim 12) a dispatcher. However, Pyle teaches an alerting system for emergencies, wherein an automatic telephone dialer 460 is activated to make a telephone call to a designated emergency number, such as a police or fire department dispatcher. See Pyle, Col. 5, lines 43-54. Thus, in view of Pyle, it would have been obvious to one of

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ordinary skill in the art to modify Larsen's emergency contact list, by providing an automatic contacting device, in order to receive a prompt response to the emergency.

***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

- Lemelson et al. (US 6,873,256) – disclose an intelligent building alarm with an emergency calling feature.

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to CAMERON SAADAT whose telephone number is (571)272-4443. The examiner can normally be reached on M-F 9:00 - 5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert E. Pezzuto can be reached on (571) 272-6996. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Cameron Saadat/  
Examiner, Art Unit 3714  
4/14/2008